

Dr

To 17 days labor performed on dwelling house of S. Appleton in the month of May 1868	\$ 51 00
To 17 days labor performed on the dwelling house of S. Appleton in the month of June 1868	" 51 00
To 24 1/2 days labor performed on dwelling house of S. Appleton in the month of July 1868	73 50
To 25 1/4 days labor performed on dwelling house of S. Appleton in the month of August 1868	75 75
To 19 days labor performed on dwelling house of S. Appleton in the month of September 1868.	57 00
To 25 1/4 days labor performed on dwelling house of S. Appleton in the month of October 1868	75 75
To 22 1/2 days labor performed on dwelling house of S. Appleton in the month of November 1868.	67 50
To 24 days labor performed on dwelling house of S. Appleton in the month of December 1868	72 00
To 13 3/4 days labor performed on the dwelling house of S. Appleton in the month of January 1869	41 25
To 5 days labor performed on the dwelling house of S. Appleton in the month of February 1869	15 00
To 11 1/2 days labor performed on the dwelling house of S. Appleton in the month of March 1869	34 50
	<u>\$ 614 25</u>

1868

Credits

May 30	By cash paid to me	\$ 25 00
July 8	By cash paid to me	40 00
August 15	By cash paid to me	50 00
September 1 <sup>st</sup>	By cash paid to me	20 00
October 3	By cash paid to me	35 00
" " 17	By cash paid to me	25 00
" " 25	By cash paid to me	35 00
November 23	By cash paid to me	50 00
1869 24	By cash paid to me	25 00
January 1	By cash paid to me	20 00
25	By cash paid to me	15 00
February 2	By cash paid to me	25 00
" 11	By cash paid to me	25 00
" 13	By cash paid to me	65 00
		<u>\$ 455 00</u>
		<u>\$ 159 25</u>



J. Ozias M. Barney of Southborough in the County  
of Worcester and Commonwealth of Massachusetts,  
declare and say that I actually performed two-  
hundred and four and three fourths days labor,  
as a carpenter in the erection of a certain  
dwelling house situated on a piece of land in said  
Southborough on the northerly side of the road leading  
from the centre village in said Southborough past  
the dwelling house of Joseph Burnett, which piece  
of land is bounded as follows viz: on the  
south by said road on the east by land of F.  
Parker in the north by land of Eben Gay,  
and on the west by land of one Reed; which  
land, house and stable are those now occupied  
by Samuel Appleton; by virtue of an agreement  
and contract with and by the consent of Lorenzo  
Walker of said Southborough a person having  
authority from and rightfully acting for Samuel  
Appleton of said Southborough, in erecting  
said dwelling house and procuring labor on  
account thereof, and with the consent of said  
Samuel Appleton, the owner of said dwelling  
house, which agreement and contract was  
made in the month of April A.D. 1868 by me  
with said Walker with the consent of said  
Appleton, that I commenced performing  
said labor in erecting said dwelling house  
on the eleventh day of May A.D. 1868  
and ceased to labor as aforesaid in erecting  
said dwelling house on the fifteenth day of  
March A.D. 1869; that the account hereto  
annexed is a just and true account and  
Statement of the amount due me on account  
of having performed said labor as aforesaid,  
with all just credits given, which account and  
Statement is made part hereof; that there is  
now due me for said labor performed as afore-  
said the sum of one hundred and fifty nine

dollars and twenty five cents, that the days labor were performed as set forth in said account and at the times stated therein in erecting said dwelling house; that said Samuel Appleton is the owner of said piece of land, and dwelling house as far as I am able to ascertain, or is known to me except that I am informed some person or persons whose names are to me unknown have one or more mortgages upon said premises of a later date than said contract.

And I claim a lien on said dwelling house and also on said piece of land for said sum of one hundred and fifty nine dollars and twenty five cents, the balance due for labor performed by me as aforesaid in erecting said house

April 13, 1869.

Ozias M. Barney

Commonwealth of Massachusetts

Worcester ss. April 13. A.D. 1869

Then personally appeared the before named Ozias M. Barney and subscribed the foregoing certificate and statement and made oath that the same is true;

Before me

W. R. Gale, Justice of the Peace



Macmillan

S. Appleyard

Rocky Mountain Mr 13, 69  
at 5225 m P.M.

For 10 days labor performed on dwelling house of S. Appleton in the month of March 1868	\$ 27 50
For 21 days labor performed on dwelling house and stable of S. Appleton in the month of April 1868	57 75
For 9 $\frac{1}{2}$ days labor performed on dwelling house of S. Appleton in the month of May 1868	26 13
For 24 $\frac{3}{4}$ days labor performed on dwelling house of S. Appleton in the month of June 1868	68 07
For 17 days labor performed on dwelling house of S. Appleton in the month of July 1868	46 65
For 25 days labor performed on dwelling house of S. Appleton in the month of August 1868	68 75
For 20 $\frac{1}{2}$ days labor performed on dwelling house of S. Appleton in the month of September 1868	56 38
For 19 days labor performed on dwelling house of S. Appleton in the month of October 1868	52 25
For 21 days labor performed on dwelling house of S. Appleton in the month of November 1868	57 75
For 25 days labor performed on dwelling house of S. Appleton in the month of December 1868	68 75
For 2 days labor performed on dwelling house of S. Appleton in the month of January 1869	5 50
For 19 days labor performed on dwelling house of S. Appleton in the month of February 1869	52 25
For 15 $\frac{1}{2}$ days labor performed on dwelling house of S. Appleton in the month of March 1869	46 50
	\$ 634,23

### Credits

May 5, 1868	By Cash	\$ 97 49
" 10 "	" "	1 00
July 7, "	" "	45 00
" 30 "	" "	63
Aug 3 "	" "	70 00
" 6 "	" "	75
Oct 3 "	" "	33 25
" 22 "	" "	32 00
" 24 "	" "	75
" 25 "	" "	1 00

	Amt by forward	281 87
Oct 28, 1888	By Cash	1 65
Nov 23	" " "	50 00
" 25	" " "	25 00
Jan 15, 1889	" " "	105 00
Feb 6	" " "	20 00
" 15	" " "	<u>25 00</u> <u>508 52</u>
		* 125,71

I, Henry L. Flagg of Smithborough in the  
County of Worcester in the Commonwealth  
of Massachusetts, declare and say that I actually  
performed two hundred and twenty nine & one fourth  
days labor, as a carpenter, in the erecting of a  
certain dwelling house and stable situated on a  
piece of land in said Smithborough on the northwesterly  
side of the road leading from the centre village in  
said Smithborough past the house of Joseph  
Bennett, which piece of land is bounded as  
follows, viz; on the south by said road, on the  
east by land of J. Parker, on the north by land  
of Mrs. Day, and on the west by land of one  
Reed, which land, house and stable are those  
now occupied by Samuel Appleton, by virtue  
of an agreement and contract with, and by  
the consent of, Lorenzo Walker of said Smithbor<sup>gh</sup>  
a person having authority from and rightfull  
acting for Samuel Appleton of said Smithbor<sup>gh</sup>  
in erecting said dwelling house and stable  
and providing labor on account thereof, and  
with the consent of the said Samuel Appleton  
the owner of said dwelling house and stable,  
which agreement and contract was made  
in the month of March, A.D. 1868, by me with  
said Walker with the consent of said Appleton,  
that I commenced performing said labor in  
erecting said dwelling house and stable on  
the nineteenth day of March, A.D. 1868, and  
ceased to labor as aforesaid in erecting said  
dwelling house and stable on the fifteenth day  
of March, A.D. 1869, that the account hereto  
annexed is a just and true account and  
and statement of the amount due me on  
account of having performed said labor as  
aforesaid, <sup>with all just credits given</sup>, where account and statement is made  
a part hereof, that there is now due me for said  
labor performed as aforesaid the sum of one hundred

and twenty ~~five~~ dollars and seventy one cents,  
that the said labor were performed as set forth  
in said account and at the time, stated therein  
in erecting said dwelling house and stable;  
that Samuel Appleton aforesaid is the owner of  
said piece of land, dwelling house and stable,  
so far as I am able to ascertain, or as is known  
to me, except that I am informed some person  
or persons whose names are to me unknown  
have one or more mortgages upon said premises  
of a later date than said contract; -  
and I claim a lien on said dwelling house  
and stable and also on said piece of land for  
said sum of one hundred and twenty six dollars  
and seventy one cents, the balance due for  
labor performed by me as aforesaid in erecting  
said house and stable.



April. 13<sup>rd</sup> 1869.

Henry L. Flagg

Commonwealth of Massachusetts,  
Worcester, April 13, A.D. 1869.

I, personally,  
appeared the before-named Henry L. Flagg  
and subscribed the foregoing certificate and  
statement and made out that the same is  
true.

Witness:

Franklin Este, Justice of the peace





Henry L. Flory

The Anderson  
1949 ed 8120 n. 1251

# Know all men by these presents

that we, Harry Burnett, Robert M. Burnett and W. W. Vaughan

in the Commonwealth of Massachusetts,  
Trustees under the last will of Joseph Burnett  
late of Southborough, in the County of Worcester and  
Commonwealth aforesaid, deceased, which will was duly proved and allowed by the Probate Court  
for said County on August 1894, do by virtue and in  
execution of the power to us given in and by said will, and of every other power and authority  
hereto enabling, and in consideration of the sum of one (\$1) dollar and other  
considerations dollars to us paid by  
the Town of Southborough in the County of Worcester and  
Commonwealth of Massachusetts,

the receipt whereof is hereby acknowledged, hereby grant, bargain, sell, and convey unto the said  
Town of Southborough a certain parcel of land bounded and  
described as follows: beginning at a point at the corner of the main  
street and the road from Marlborough to Cordaville, thence 216 feet on the  
west side of the Marlborough road north 4° 25' west to a stone; thence  
179.9 feet north 83° 11' west by the land of the Joseph Burnett Estate to a  
mark on the wall of the old cemetery; thence by the wall of the old  
cemetery 180 feet south 9° 28' west to the corner of the Common Road and  
the cemetery; thence by the sides of the Common Road 151.5 feet  
south 83° 11' east to a point on the main road; thence 81 feet  
to the point of beginning. See plan of Land in Southborough,  
Mass., belonging to the Joseph Burnett Estate to be given the  
Town for a Library Lot by Parker, Bateman and Chase,  
Civil Engineers, dated 1909 and to be recorded herewith.

To have and to hold the granted premises, with all the privileges and appurtenances thereto belonging,  
to the said Town of Southborough, its successors and heirs  
and assigns, to their own use and behoof forever, but in trust nevertheless to be  
used only for a site and ornamental grounds for a Public  
Library for the Town of Southborough.

In witness whereof we the said Harry Burnett, Robert M. Burnett  
and W. W. Vaughan  
hereunto set our hands and seals, this day of  
in the year one thousand nine hundred and nine.

Signed and sealed in presence of  
S. G. Worcester  
W. L. Hayes

Harry Burnett  
W. W. Vaughan  
R. M. Burnett  
Trustees  
for  
Joseph Burnett



Commonwealth of Massachusetts.

Suffolk ss. October 29 1909.  
above named Harry Burnett, for self & Co-trustees  
instrument to be their free act and deed, before me—

Then personally appeared the  
and acknowledged the foregoing

Gustavus Attwells

Justice of the Peace.

Worcester ss. Nov. 6, 1909, at 8 o'clock and 30 minutes, A. M.  
Received and entered with Worcester District Deeds, book 1918 page 461

Attest:

Daniel T. \_\_\_\_\_  
Register.



15617

Trustee's up  
J. H. Burnett

to

Town of Southborough  
J. H.

RECEIVED  
AT 8.30 A. M.

NOV 6 1909

WORCESTER DISTRICT

REGISTRY OF DEEDS.

BOOK 1918 PAGE 461

Trustee's Deed

under Power in Will.

From the office of

Chas. H. Newton

Town Clerk

St. J. Southboro

SOLD BY

T. H. BALL, LAW STATIONER,  
72 DEVONSHIRE STREET,

BOSTON.

No. 234.

Compared.

Be it remembered, that I, John L. Bacon  
of Southborough in the County of Worcester and  
Commonwealth of Massachusetts, being of sound mind and memory, but  
knowing the uncertainty of this life, do make this my last will and testament,  
hereby revoking all wills and codicils heretofore made by me.

After the payment of my just debts and funeral charges, I bequeath and  
devise as follows:

Clause 1. To my wife, Ruby B. Bacon, if she survives me, I  
give and bequeath the sum of Ten Thousand Dollars (\$10000.00).

Clause 2. To Joseph P. Lynch of Marlborough, Massachusetts  
I give and bequeath the sum of Thirty Thousand Dollars (\$30000.00)  
to be held in trust by him to pay the income thereof to my wife,  
Ruby B. Bacon, during her lifetime, and after her decease to pay  
the principal sum, discharged of any trust, to the Trustees of the  
Framingham Union Hospital, Framingham, Massachusetts, to be used as  
the Trustees of said Hospital may decide. The trustee named herein  
may invest and reinvest the principal of the trust fund in high  
grade securities and shall not be held liable for any diminution of  
said principal sum by reason of shrinkage in market value or by  
reason of the insolvency of or suspension of payment by any bank in  
which he may have deposited money which is part of said trust fund.

Clause 3. To the Treasurer of the Town of Southborough,  
Massachusetts, I give and bequeath the sum of Ten Thousand Dollars  
(\$10000.00) to be held in trust by the Treasurer of said Town  
and invested in high grade securities to be selected by him with  
the assistance and consent of the Selectmen of said Town, to use  
the income only thereof to pay, in whole or in part, the hospital  
expenses of any worthy inhabitant of said Town, who, in the opinion  
of the Board of Public Welfare of said Town, is entitled to such  
aid. The term "hospital expenses" used herein shall not be  
interpreted to include doctors' fees.

Clause 4. To my nephews Alfred B. Norcross and John Norcross  
and my niece Ruby Norcross I give and bequeath the sums of One  
Dollar (\$1.00) each, knowing that they are amply provided for.

Clause 5. To the Trustees of The Fay School, Incorporated,  
of Southborough, Massachusetts, I give and bequeath the sum of  
Five Thousand Dollars (\$5000.00) to be held in trust by them  
and known as the Hospital Fund; the income thereof to be used  
for the purchase of new equipment or for such other purposes as  
the Headmaster of said School may determine.

Clause 6. To the Trustees of St. Mark's School, Southborough,  
Massachusetts, I give and bequeath the sum of Five Thousand  
Dollars (\$5000.00) to be held in trust by them and known as the  
Hospital Fund; the income thereof to be used for the purchase  
of new equipment or for such other purposes as the Headmaster of  
said School may determine.

Clause 7. To Archibald Joudrey and Emma Joudrey of Bangs  
Falls, Nova Scotia, I give and bequeath the sums of Five Hundred  
Dollars (\$500.00) each as a token of my appreciation for all they  
have done to make my vacations at their home the pleasures they  
have been.

Clause 8. All the rest, residue and remainder of my property  
both real and personal, and wherever situated, I give, devise and  
bequeath to the Trustees of the Framingham Union Hospital, Framingham,  
Massachusetts, to be used in any manner which the Trustees of said  
Hospital may determine.

Clause 9. I nominate and appoint Joseph P. Lynch of  
Marlborough, Massachusetts to be the Executor of this will, and I  
direct that he be exempt from furnishing sureties upon his official  
bond as Executor and also upon his official bond as Trustee.

In testimony whereof, I hereunto set my hand, and in the presence of three witnesses declare this to be my last will, this twenty third day of May in the year one thousand nine hundred and thirty five.

John L. Bacon



On this twenty third day of May A.D. 1935

John L. Bacon of Southborough Massachusetts,

has signed the foregoing instrument in our presence, declaring it to be his last will, and as witnesses thereof we three do now, at his request, in his presence, and in the presence of one another, hereby subscribe our names.

Louise V. Lippard

Margaret J. Gannon

David C. Laffler

#### MEMORANDA.

In Massachusetts a will does not require any seal. No person who is to receive anything under a will, and no husband or wife of any such person, should be a witness to such will. But a person is not rendered incompetent as witness to a will by the fact that he is named therein as executor. If the testator is too feeble to sign the will, his signature may be written for him by some other person "in his presence and by his express direction".

Case 116238

John L. Bacon

Will

Filed Dec 2, 1935

Allowed Dec 24, 1935

Recorded Vol 1193 Page 161



A true copy,

Attest:

Grace C. Rundlet,  
Asst. Register.